IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8380 OF 2004

Devidas Ambadas Anagunde .. Petitioner.
Vs.
Jagadevi Narayan Parit & Ors. .. Respondents.

Mr.G.S.Godbole for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 27TH OCTOBER, 2004

P.C.:

. Heard Mr.Godbole, learned counsel for the petitioner.

2. By this writ petition, the petitioner has challenged the order dated 21.4.2004 passed below Exhibit-5 in Civil Miscellaneous Application No.306/2003 by which the said application has been allowed. The operative part of the order reads thus:

> "1. This application, at Exhibit 5, in Civil Misc.Application No.306/2003 is hereby allowed.
>
> 2. The execution of the judgment and decree passed in Special Civil Suit

No.262/1991 by the learned Joint Civil Judge, Senior Division, Solapur and the Final Decree proceeding which has arisen out of said judgment and decree bearing No.15/1998 is hereby stayed till decision of the Civil Misc. Application No.306/2003 as well as the delay condonation application filed alongwith this application.

3. In the peculiar circumstances no order as to costs".

3. Considering the nature of dispute and the impugned order I am satisfied that instead of examining merits of the case the appropriate course would be to direct the learned Additional District Judge to decide the delay condonation application and Miscellaneous Application No.306/2003 within time frame. Hence the following order:

. The Adhoc Additional District Judge, Solapur shall endeavour to dispose of delay condonation application and civil miscellaneous application no.306 of 2003 on merits in accordance with law and uninfluenced by the observations made in the order dated 21.4.2004 as expeditiously as

possible and preferrably within a period of six weeks from the date of receipt of this order. The petitioner to communicate this order to the learned Judge within two weeks from today. All contentions are left open.

. The petition is disposed of.

(D.B.Bhosale, J.)